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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,917	02/08/2001	Takashi Ikemori	1466.1026	5837

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EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

MAIL DATE	DELIVERY MODE
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07/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/778,917

Applicant(s)

IKEMORI ET AL.

Examiner

Jamisue A. Plucinski

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7-9 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-9 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 2-5, 7-9, and 18 are currently pending.

Information Disclosure Statement

2. In the previous office action the examiner had indicated that references were missing, and therefore not considered. The Applicant has stated that the references have been submitted, however no submission is found in the case of record. If the references were submitted once again, they had to have been resubmitted in the form of another IDS. If the applicant did so submit these references for consideration, please submit them again, along with the return post card, or fax, indicating that they were submitted prior.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda (6,085,170) in view of Handel et al. (6,195,651), Jones et al. (7,082,400) and Moreno (US 2002/0035515).

5. With respect to Claims 5, 8 and 18: Tsukuda discloses the delivery server with a storage medium (See Figure 1) and a method (with means for) comprising:

- a. Registering consignment information for the delivered good and for the agent receiving the goods (See Figure 1, and Column 2, lines 42-47), Tsukuda discloses registering a plurality of consignment relay stations (the examiner considers consignment

Art Unit: 3629

- relay stations to be a form of convenience stores, due to the fact that they are there for the consumers convenience in accepting deliveries, Column 6, lines 37-39, 65-67, column 8, lines 1-4) it is the examiner's position that it is inherent that when an agent is used the delivery address is registered, in order to know where the goods are to be delivered;
- b. Transmitting delivered goods information or parcel information from the distribution server to the receiver via e-mail before the goods are delivered (See Figure 5, and column 5, lines 14-32);
 - c. Receiving information about date, time and consignment relay station, or agent location that is designated by the customer (Column 2, lines 42-47, column 8, line 63 to column , line 13, and Figures 5 and 12);
 - d. Means for instructing the delivery of a parcel or goods (Column 7, lines 53-55).
 - e. Proving a privilege to the receiver when the parcel is delivered (see abstract, the examiner considers delivery notification to be a form of a privilege, Tsukuda discloses notifying receiver when the parcel is received)
6. Tsukuda discloses registering a home address and a consignment relay station, but fails to disclose the user entering a home address, and a work address, where the user can select either address and the system transmits information with regards to the vicinity of the home address or the work address. Handel discloses a customized web page, where a user can log on, and have multiple profiles. Where localized content is given to the user based on which profile is selected (See Column 31 line 45 to Column 32, line 42). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tsukuda, to include the capability of the customer to creating two profiles, home and work, when a user registers for the

Art Unit: 3629

system, in order to provide a customer with information that is targeted to the location of the customer for ultimate ease and convenience. (See Handel, Column 29)

7. The examiner considers the fact that Handel can log on and choose which profile to use to be a means for transmitting information for requiring the receiver to designate the home address of the working address and means for receiving information showing which address the receiver designated. Handel discloses localized content is extracted based on the user's address and given to the user, the examiner considers this to be a means for extracting from the database, information regarding consignment replay stations located in a vicinity of the designated home address or the designated work address and means for transmitting extracted information.

8. Tsukida and Handel disclose means which are fully capable of displaying a map, however fails to disclose the map including a group of stores in an area selected by the receiver for the receiver to select a designated store. Jones discloses the use of a planning system where a map is displayed to a user, and based on the user preferences a goal seeker will display facilities on a map, so that the user may select one of the facilities (See Figure 6B with corresponding detailed description). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Tsukida and Handel, to include a map of desired facilities, in order for the user to select one of the facilities, as disclosed by Jones, in order to visually search for locations close to the user, for ease of viewing (See Jones, Columns 1 and 7).

9. Tsukuda, Handel and Jones, fails to disclose the use of advertisement about the consignment stations. Moreno discloses the use of a locker system, and discloses that the server presents the user with advertising about the locker system, what features/capabilities are available with the locker system (Paragraph 0048), as well as discloses advertisements for local

Art Unit: 3629

companies in the area of the locker boxes (Paragraph 0074). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Tsukuda, Handel and Jones to include the advertisements as disclosed by Moreno, in order provide each locker system to be customized and to keep the user well informed while using the locker system. (See Page 5 and 8)

10. With respect to Claim 2: Tsukuda discloses a method of delivering parcels, where the size (or dimension) of the parcel is needed (column 9, lines 56-64), and the relay station is chosen (column 6, lines 49-52). Tsukuda discloses the system collecting delivery goods information and also discloses the cost of delivery (column 9 lines 4-8). When shipping parcels or goods, weight is needed to determine the cost or rate of shipping, therefore it is inherent in the Tsukuda reference that the delivery goods information includes weight. If it is not inherent in Tsukuda that the delivery goods information includes weight, then it is well known and obvious to one of ordinary skill in the art at the time the invention was made, that weight is collected when shipping any sort of package or goods, to calculate the rate or cost of shipping and delivery. For example when mailing something such as a business size envelope, the post office weighs the envelope to see if the correct postage is attached to it.

11. With respect to Claims 3 and 6: Tsukuda discloses an input/output device that is capable of displaying a map (See Figure 1) and Handel discloses transmitting information in the form of a map in regards to the users geographical area (See Column 37, lines 5-12).

12. With respect to Claim 4: See Tsukuda, column 9, lines 1-46.

13. With respect to Claim 7: See Tsukuda, column 7, lines 52-55.

14. With respect to Claim 9: See Tsukuda, Column 9, lines 33-46.

Response to Arguments

15. Applicant's arguments with respect to claims 2-5, 7-9 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Plucinski whose telephone number is (571) 272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

Art Unit: 3629

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Janisue Plucinski
Primary Examiner
Art Unit 3629